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EXAMINER

BASOM, BLAINE T

ART UNIT PAPER NUMBER

2173

DATE MAILED: 11/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/703,748

Applicant(s)

AAMODT ET AL.

Examiner

Blaine Basom

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 19-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 19-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 November 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This Office action is responsive to the Request for Continued Examination (RCE) filed under 37 CFR §1.53(d) for the instant application on 8/15/2005. The Applicants have properly set forth the RCE, which has been entered into the application, and an examination on the merits follows herewith.

Response to Arguments

The Examiner acknowledges the Applicants' amendments to claims 29, 34-35, 38, and 42. Regarding claims 19-23, the Applicants' argue that Microsoft Project (*Microsoft Project 98*, as described in the book entitled, "Using Microsoft Project 98," by Tim Pyron), presented in the previous Office Action, fails to allow the user to change the style of a bar or box representing a task on a "task-by-task basis," as is claimed. The Examiner respectfully disagrees with this argument. As described in the previous Office Action and again below, Microsoft Project comprises a "Bar Styles" dialog box, which is used to format the bars, each representing task, within a Gantt chart. Pyron explicitly discloses that the same options of the Bar Styles dialog box may be applied to selected tasks, rather than categories of tasks (see page 713). Thus, as is described more fully below, Microsoft Project allows the format of bars of *selected* tasks to be changed within a Gantt chart, and therefore, allows the user to change the style of a bar representing a task on task-by-task basis.

Concerning claims 35-42, the Applicants argue that Microsoft Project fails to allow the user to change the shape of graphical elements representing tasks, as is claimed.

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The Examiner respectfully disagrees with this argument. The Bar Styles dialog box described in the previous paragraph provides options for changing the shape of the bars for a category of tasks (for example, see “Defining the Bar Appearance” on page 710). Thus, as is described more fully below, Microsoft Project allows the user to change the shape of graphical elements representing tasks.

Regarding claims 19-34, the Applicants argue that the Examiner has failed to provide sufficient suggestion or motivation to combine Schanel (U.S. Patent No. 5,704,028, to Schanel et al.) and Harmon (U.S. Patent No. 5,563,994, to Harmon et al.) as done in the previous Office Action. While the Examiner does not concede that one of ordinary skill in the art would not have been motivated to combine Schanel and Harmon’s teachings, the Examiner notes that Microsoft Project teaches the features of claim 19-20, 22-26, and 28-33, as is shown below. Additionally, the combined teachings of Microsoft Project and Schanel teach the features of claims 21, 26-27, 33-34, and 37, as is further shown below. Accordingly, the Applicants’ arguments have been considered, but are moot in view of the following new grounds of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 19-20, 22-26, 28-33, 35-36, and 38-42 are rejected under 35 U.S.C. 102(b) as being anticipated by Microsoft Project 98 (hereafter referred to as “Microsoft Project”), as described by Tim Pyron in the book entitled “Using Microsoft Project 98.” As disclosed by Pyron, Microsoft Project is a computer-implemented project management tool executed to generate and implement a project plan, including a schedule of tasks to be accomplished in a particular sequence (see “Why You Should Use Microsoft Project,” beginning on page 2).

Specifically concerning claims 19-20 and 35-36, Pyron discloses that Microsoft Project offers various means for entering project data, including project tasks, such as via a Gantt chart, via a PERT chart, or via a “Task Entry” view (for example, see pages 125-156). Whatever the method the project data is entered, the data is displayable one of a plurality of user-selectable views, including a view comprising a Gantt chart of the data, and a view comprising a PERT chart of the data (for example, see pages 50-53, and 225-237). The Gantt chart comprises a bar chart, referred to as a timescale, whereby each project task is represented by a bar (for example, see pages 50-53). Similarly, the PERT chart comprises a flowchart, wherein each project task is graphically represented by a box (for example, see pages 225-237). Further regarding the claimed invention, Pyron discloses that Microsoft Project may be used to format each of these views. In the Gantt

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chart, for example, a “Bar Styles” dialog box may be applied to change the shape of bars for various task categories (see “Using the Bar Styles Options” section on pages 709-712). Additionally, the “Bar Styles” dialog box may be used to specify data fields to be displayed with each task category of bars. Pyron further discloses that bars may also be customized on a task-by-task basis, rather than on a category-by-category basis:

If you want to change the format of specific bars that don't fall into one of the categories available, choose Format, Bar [sic]. This command has the same options as the Bar Styles dialog box, but it will only apply changes to the *selected* [sic] tasks. (See page 713).

Moreover, Pyron discloses that a “Text Styles” dialog box may be used to format text, used when displaying the data fields, for various categories of tasks (see “Formatting Text Displays for Categories of Tasks and Resources” on pages 697-700). Such text, however, may also be formatted to a task-by-task basis, for selected tasks (see “Formatting Selected Text” on page 700). It is understood that, upon selection of such options, the Gantt chart is re-displayed with according to the option selected by the user. Consequently, Microsoft Project is considered to teach: providing project data for a project, the project data identifying tasks of the project; displaying a graphical representation of the project data, such as via a Gantt chart, wherein a task is displayed as a graphical element, i.e. a bar, which is displayed in a first format; receiving from a user a selection of a graphical element representing a task; displaying options for formatting the selected graphical element; receiving from the user a selection of a second format for the selected graphical element; and re-displaying the selected graphical element in the selected second format, whereby the user can customize the display of the graphical

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representation of project data on a task-by-task basis. Microsoft Project is consequently understood to teach a method, like that recited in claims 19-20, which is implemented in a computer system for customizing a graphical representation of project data. By similar reasoning, Microsoft Project teaches: providing project data for a project, the project data identifying tasks of the project, and whereby at least some of the tasks are assigned to a category; displaying a graphical representation, namely a Gantt chart, of the provided project data, wherein a task is displayed as a graphical element, i.e. a bar, displayed in a first shape format; receiving from a user a selection of a category of a task; displaying options for formatting a graphical element representing a task, including options within a “Bar Styles” dialog box for formatting the shape of the graphical elements; receiving from the user a selection of a second shape format; and re-displaying the graphical elements of the tasks assigned to the selected category in the second shape format, whereby the user can customize the display of the graphical representation of project data on a category-by-category basis. A computer executing Microsoft Project is consequently understood to comprise a computer-readable medium, like that recited in claims 35-36, which contains instructions for controlling the computer system to customize a graphical representation of project data.

Concerning claim 29, Pyron discloses that Microsoft Project comprises a “Bar Styles” dialog box, which displays various options for changing the shape of bars for various task categories within the Gantt chart, and which as described above, may be used to specify data fields to be displayed with each task category of bars. This dialog box specifically comprises pull-down menus, associated with various text locations within the proximity of each task bar, which understandably may be selected to display

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the variables associated with each task (for example, see “Placing Text in the Bar Chart” on pages 712-713). Upon selection of one of these variables, the data for the selected variable is displayed within the associated text location around the bars associated with a user-selected category. Pyron further discloses that bars may be customized as such on a task-by-task basis, i.e. for selected tasks, rather than on a category-by-category basis (for example, see page 713). Accordingly, Pyron teaches: displaying a graphical representation, i.e. a Gantt chart, of provided project data, wherein a task is displayed as a graphical element displayed with a first set of one or more data variables being displayed; receiving from a user a selection of a graphical element representing a task; displaying, within a pull-down menu, an indication of data variables of a task; receiving from the user a selection of a second set of one or more data variables; and re-displaying the selected graphical element with the selected second set of data variables, whereby the user can customize the display of the graphical representation of project data on a task-by-task basis. A computer executing Microsoft Project is consequently understood to comprise a computer-readable medium, like that recited in claim 29, which contains instructions for controlling the computer system to customize a graphical representation of project data.

As per claims 22, 30, and 38, Pyron discloses that the user’s project data may be saved for display at a later time (for example, see pages 91-100). It is consequently understood that the association between the task represented by each bar within the Gantt chart and its associated format and displayed data fields is saved so that when the Gantt chart is re-displayed, the bar for the task can be displayed in its selected format, along with its associated data fields.

Concerning claim 23, Microsoft Project provides the ability to format bars representing tasks according to the category of the task, as is described above. Project specifically teaches, via a “Bar Styles” dialog box: receiving from the user a selection of a category; receiving from the user a selection of a graphical format for bars representing tasks of the selected category, whereby the selected format is one of many (i.e. over three) presented user-selectable formats for the shape and color of the bars; and re-displaying the bars of the tasks assigned to the selected category in the selected format (see “Using the Bar Styles Options” on pages 709-713).

Concerning claims 24-26, 32-33, and 39-41, Pyron discloses that Microsoft Project comprises a “Bar Styles” dialog box, which displays various options for changing the shape of bars for various task categories within the Gantt chart (see “Using the Bar Styles Options” section on pages 709-713). Additionally, the “Bar Styles” dialog box may be used to specify data fields to be displayed with each task category of bars. Pyron further discloses that a “Text Styles” dialog box may be used to format text, used when displaying the data fields, for various categories of tasks within the Gantt chart (see “Formatting Text Displays for Categories of Tasks and Resources” on pages 697-700). Accordingly, Microsoft Office is considered to teach displaying a dialog box for specifying a style of a graphical element and a separate dialog box for specifying how data within a graphical element is to be displayed, like expressed in claims 24-26, 32-33, and 39-41.

As per claims 28 and 42, Pyron discloses that Microsoft Project comprises a “Bar Styles” dialog box, which displays various options for changing the shape of bars for various task categories within the Gantt chart (see “Using the Bar Styles Options” section

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on pages 709-713). Additionally, the “Bar Styles” dialog box may be used to specify data fields to be displayed with each task category of bars (See “Placing Text in the Bar Chart” on page 712). Pyron further discloses that bars may be customized as such on a task-by-task basis, rather than on a category-by-category basis (for example, see page 713). Accordingly, it is understood that the user may select a second format in which to display a bar representing a task, wherein the task has associated data variables and the selected second format specifies the data variables of the task whose values are to be displayed within the selected bar.

With respect to claim 31, Concerning claim 29, Pyron discloses that Microsoft Project comprises a “Bar Styles” dialog box, which displays various options for changing the shape of bars for various task categories within the Gantt chart, and which as described above, may be used to specify data fields to be displayed with each task category of bars. Accordingly, it is understood that the tasks may be assigned to categories and the graphical elements, i.e. bars, representing tasks assigned to a selected category are displayed along with the user-selected set of data fields.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 21, 27, 34, and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Microsoft Project, which is described above, and also over U.S. Patent No. 5,704,028, which is attributed to Schanel et al. (and hereafter referred to as "Schanel"). As described above, Microsoft Project teaches a method like that of claims 19 and 26, and its execution necessitates a computer readable medium like that of claims 33 and 35. That is, and particularly regarding claims 21 and 27, Microsoft Project may be implemented to display a Gantt chart in which each of a plurality of project tasks are presented graphically as bars, the shape of which may be customized on a task-by-task or a category-by-category basis. Microsoft Project may also be implemented to present a PERT chart, like that of claims 21 and 27, in which each of a plurality of tasks are graphically represented as boxes, and whereby the graphical features of these boxes may be customized by the user (for example, see pages 225-237; and pages 719-723). Microsoft Project, however, does not explicitly disclose that the graphical features of the PERT chart boxes may be customized on a task-by-task basis, as is expressed in claim 19, upon which claim 21 depends. Additionally, Microsoft Project does not explicitly recite that the shape of the PERT chart boxes may be customized by the user, as is recited in claim 35, upon which claim 37 depends.

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In general, Schanel presents a computer application for creating and displaying a flow chart, which like the PERT chart of Microsoft Project, comprises one or more graphical elements, each representing a task (see column 1, lines 10-16; column 2, lines 30-47; column 4, lines 4-11; column 13, line 16 – column 14, line 32; and figure 2 of Schanel). Regarding the claimed invention, Schanel teaches customizing such charts. In particular, Schanel discloses that various buttons and dialogs may be provided to modify a selected graphical element, or the data presented within the selected element (see, for instance, column 6, line 19 – column 7, line 15). For example, and with specific regard to claim 35, Schanel teaches that the shapes of the various graphical elements representing tasks may vary, and may be customized by the user (for example, see the flowchart of figure 2, in addition to column 6, line 30 – column 7, line 29). Additionally, Schanel discloses that a dialog box may be provided to the user to specify the data variables whose values are to be displayed within the selected graphical representation (see column 13, line 16 – column 14, line 56). It is understood that the user may specify such data fields on an element-by-element basis, and consequently on a task-by-task basis (for example in figure 2, the data fields within the graphical element designated by reference number 1 are different from those in the graphical element designated by reference number 289, and whereas there are no data fields within the graphical elements designated by reference numbers 4 and 5).

It would have therefore been obvious to one of ordinary skill in the art, having the teachings of Microsoft Project and Schanel at the time the invention was made, to modify the PERT charts of Microsoft Project, such that its graphical elements may also be customized on a task-by-task basis, and such that the shapes of the graphical elements

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may be customized, as done by Schanel. It would have been advantageous to one of ordinary skill to utilize this combination, because such options provide the user more control over the display of the PERT chart, as is demonstrated by Schanel. Pyron discloses that colors may be used to distinguish particular tasks within the PERT chart of Microsoft Project, but that with no color printer, colors cannot be distinguished from one another (see page 720). Using different shapes to distinguish tasks, as done by Schanel, clearly obviates such a problem. Accordingly, this combination of Microsoft Project and Schanel is considered to teach a method like that of claim 21, the execution of which necessitates a computer readable medium like that of claim 37.

Concerning claims 27 and 34, Pyron discloses that Microsoft Project presents a “Box Styles” dialog box for specifying how data within the PERT chart’s graphical elements, each representing a task, is to be displayed (see pages 719-723). Pyron further discloses that this dialog box specifically comprises a “Date Format” drop down list, which displays a plurality of selectable date formats by which to display the data within the graphical elements (see “Changing the Date Format” on page 723). Such data formats are considered indications of pre-existing templates like described in claims 27 and 34. Accordingly, Microsoft Project and Schanel are considered to teach a method like that of claim 27, the execution of which necessitates a computer readable medium like that of claim 34.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Blaine Basom whose telephone number is (571) 272-4044. The examiner can normally be reached on Monday through Friday, from 8:30 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (571) 272-4048. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

btb

A handwritten signature in black ink, appearing to read "Ted A. Basom". The signature is fluid and cursive, with the first name "Ted" being more prominent and the last name "Basom" written in a more compact, cursive style.